



Pre-Amendment  
02-28-02  
PATENT

Customer No. 22,852  
Attorney Docket No. 7738.147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
Grant E. DUBOIS et al. ) Group Art Unit: 1761  
Serial No.: 09/838,809 ) Examiner: unassigned  
Filed: April 20, 2001 )  
For: NON CALORIC FROZEN )  
CARBONATED BEVERAGE )

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**SUPPLEMENTAL PRELIMINARY AMENDMENT**

Prior to the examination on the merits of the above application, please amend this application, without prejudice, as follows:

**IN THE CLAIMS:**

40. (Amended) The method of claim 37, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

41. (Amended) The method of claim 38, wherein the freezing point depressant comprises a Sugar MNS selected from at least one of erythritol, isomalt, maltitol, lactitol, or fructo-oligosaccharide sweetener.

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01 FC:102  
02 FC:103

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